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>>> David Daniels <[Daniels@WarrenSymphony.org](mailto:Daniels@WarrenSymphony.org)> 9/5/2006 11:34 AM >>>  
I understand this is the correct address to comment on proposed rule changes for jury trials.

I strongly urge loosening up the procedures to allow more direct exchanges between jurors and judges, based on the following experience:

I was foreman of a jury in a murder trial. It was a daunting experience, but in the end an inspiring one. I came away with a strong appreciation of the US justice system.

However, there was a simple question that could have been easily answered by the judge which would have cut down the jury deliberation time by two days. The jury agreed the defendant was guilty. Most believed it was a case of manslaughter, but one juror insisted it was 2nd degree murder. She believed that she was therefore unable to assent to the finding of manslaughter.

The judge had carefully described the doctrine of "lesser included offenses," which we assured this juror would apply. She was not convinced. Finally I sent a note to the judge, asking him to clarify it for us.

The judge brought the jury back into court, and read for 45 minutes the exact same set of instructions he had given two days earlier--instructions that had caused this woman's confusion in the first place.

It would have been much better if we could have pinned him down on the specific question at stake.

To top it off, after we had agonized for several days over whether it was 2nd degree murder or manslaughter, and after the verdict (manslaughter) had been rendered, the judge came to the jury room to chat with us informally. "Oh yes," he casually remarked about our verdict, "it was certainly 2nd degree murder or manslaughter--something like that." As though the difference was insignificant.

Other than that frustration, it was, as I said, an inspiring, though troubling, experience.

Sincerely,

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